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1991 U.S. PTO

01-14-02

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PTO/SB/05 (08-00) (modified)

Approved for use through 9/30/2001, OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

**NEW UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(only for new nonprovisional applications under

37 CFR 1.53(b))

Attorney Docket Number	20412-06488
First Named Inventor	John W. Barrus et al.
Title	System and Method for Audio Creation and Editing in a Multimedia Messaging Environment
Express Mail Label No.	EL566205666US

J1050 US PTO 10/04/02  
10/04/02 01/09/02

APPLICATION ELEMENTS		ACCOMPANYING APPLICATION PARTS	
1. <input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate)		7. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))	
2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		8. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)	
3. <input checked="" type="checkbox"/> Specification (preferred arrangement set forth below)	Total Pages <input type="text" value="60"/>	9. <input type="checkbox"/> Power of Attorney or Authorization of Agent	
■ Descriptive Title of the Invention		10. <input type="checkbox"/> 37 CFR 3.73(b) Statement	
■ Cross Reference(s) to Related Case(s)		11. <input type="checkbox"/> Preliminary Amendment	
■ Statement Regarding Fed sponsored R & D		12. <input type="checkbox"/> Information Disclosure Statement & PTO-1449 <input type="checkbox"/> Copies of IDS Citation(s)	
■ Background of the Invention		13. <input checked="" type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent	
■ Brief Summary of the Invention		14. <input checked="" type="checkbox"/> Return Postcard	
■ Brief Description of the Drawing(s)		15. <input checked="" type="checkbox"/> Petition to Accept Color Drawings Under 37 CFR § 1.84(a)(2)	
■ Detailed Description		16. <input checked="" type="checkbox"/> Color drawings: (in triplicate)	
■ Claim or Claims		17. <input type="checkbox"/>	
■ Abstract of the Disclosure			
4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113)	Total Sheets <input type="text" value="32"/>		
5. Oath or Declaration			
a. <input checked="" type="checkbox"/> New Declaration (unsigned)	Total Pages <input type="text" value="3"/>		
<input type="checkbox"/> Executed (original or copy)			
b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 18 completed)			
i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).			
6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76			
ADDRESS TO: Box Patent Application Commissioner for Patents Washington, D.C. 20231			

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment or in an Application Data Sheet under 37 CFR 1.76:

 Continuation  Divisional  Continuation-in-part (CIP) of prior application No: 09/407,010

Prior application information: Examiner: \_\_\_\_\_ Group/Art Unit: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuing or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

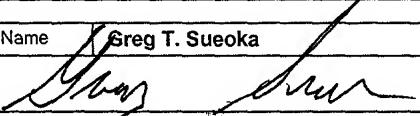
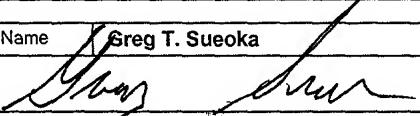
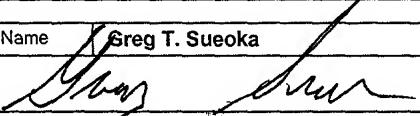
## 19. CORRESPONDENCE ADDRESS

 Customer Number and Bar Code Label

00758

Name (Print/Type)	Greg T. Sueoka	Registration No. (Attorney/Agent)	33,800
Signature		Date	1/9/02

0002/PTO(modified) Rev. 10/2001	U.S. Department of Commerce Patent and Trademark Office	<b>Complete if Known</b>	
<b>FEE TRANSMITTAL</b>		Application Number	Unassigned
		Filing Date	Unassigned
		First Named Inventor	John W. Barrus et al.
		Group Art Unit	Unassigned
		Examiner Name	Unassigned
<b>TOTAL AMOUNT OF PAYMENT</b>			
Subtotal (1) + Subtotal (2) + Subtotal (3) = <b>(\$2268)</b>		Attorney Docket Number	20412-06488

<b>METHOD OF PAYMENT</b>		<b>FEES CALCULATION (continued)</b>																																																																																																																																									
<b>1. The Commissioner is hereby authorized to:</b>		<b>3. ADDITIONAL FEES</b>																																																																																																																																									
<input type="checkbox"/> Charge the indicated fees to the below mentioned deposit account. <input checked="" type="checkbox"/> Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account. <sup>†</sup> <input type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27		<table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th></th> <th></th> <th></th> </tr> <tr> <th>Fee Code/Fee</th> <th>Fee Code/Fee</th> <th>Fee Description</th> <th></th> <th>Fee Due</th> </tr> </thead> <tbody> <tr> <td>105/\$130</td> <td>205/\$65</td> <td>Surcharge - late filing fee or oath</td> <td></td> <td></td> </tr> <tr> <td>127/\$50</td> <td>227/\$25</td> <td>Surcharge-late provisional filing fee or cover sheet</td> <td></td> <td></td> </tr> <tr> <td>147/\$2,520</td> <td>147/\$2,520</td> <td>For filing a request for reexamination</td> <td></td> <td></td> </tr> <tr> <td>115/\$110</td> <td>215/\$55</td> <td>Extension for response within first month<sup>†</sup></td> <td></td> <td></td> </tr> <tr> <td>116/\$400</td> <td>216/\$200</td> <td>Extension for response within second month<sup>†</sup></td> <td></td> <td></td> </tr> <tr> <td>117/\$920</td> <td>217/\$460</td> <td>Extension for response within third month<sup>†</sup></td> <td></td> <td></td> </tr> <tr> <td>118/\$1,440</td> <td>218/\$720</td> <td>Extension for response within fourth month<sup>†</sup></td> <td></td> <td></td> </tr> <tr> <td>128/\$1,960</td> <td>228/\$980</td> <td>Extension for response within fifth month<sup>†</sup></td> <td></td> <td></td> </tr> <tr> <td>119/\$320</td> <td>219/\$160</td> <td>Notice of Appeal</td> <td></td> <td></td> </tr> <tr> <td>141/\$1,280</td> <td>241/\$640</td> <td>Petition to revive unintentionally abandoned application</td> <td></td> <td></td> </tr> <tr> <td>142/\$1,280</td> <td>242/\$640</td> <td>Utility Issue Fee (Or Reissue)</td> <td></td> <td></td> </tr> <tr> <td>143/\$460</td> <td>243/\$230</td> <td>Design Issue Fee</td> <td></td> <td></td> </tr> <tr> <td>122/\$130</td> <td>122/\$130</td> <td>Petitions to the Commissioner</td> <td></td> <td></td> </tr> <tr> <td>126/\$180</td> <td>126/\$180</td> <td>Submission of Information Disclosure Statement</td> <td></td> <td></td> </tr> <tr> <td>179/\$740</td> <td>279/\$370</td> <td>Request for Continued Examination (RCE)</td> <td></td> <td></td> </tr> <tr> <td>581/\$40</td> <td>581/\$40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td></td> <td></td> </tr> <tr> <td>146/\$740</td> <td>246/\$370</td> <td>Filing a submission after final rejection (37 CFR 1.129(a))</td> <td></td> <td></td> </tr> <tr> <td>149/\$740</td> <td>249/\$370</td> <td>For each additional invention to be examined (37 CFR 1.129(b))</td> <td></td> <td></td> </tr> <tr> <td colspan="2" style="text-align: right;"><b>SUBTOTAL (1)</b> <b>(\$ 740)</b></td> <td colspan="3" style="text-align: right;">Other fee (specify): Petition to Accept Color Drawings under 37 CFR §1.84(a)(2) <b>130.</b></td> </tr> <tr> <td colspan="2" style="text-align: right;"><b>SUBTOTAL (3)</b> <b>(\$ 130)</b></td> <td colspan="3" style="text-align: right;">Other fee (specify):</td> </tr> <tr> <td colspan="2" style="text-align: right;"><b>SUBTOTAL (2)</b> <b>(\$1398)</b></td> <td colspan="3"></td> </tr> <tr> <td colspan="2" style="text-align: center;">         * Subtract the greater number of Col. 2          ** If the difference between Col. 1 and Col. 2 is less than zero, then enter "0" in Col. 3       </td> <td colspan="3"></td> </tr> <tr> <td colspan="2"><b>SUBMITTED BY</b></td> <td colspan="3" style="text-align: center;"><b>Complete (if applicable)</b></td> </tr> <tr> <td colspan="2">Typed or Printed Name <b>Greg T. Sueoka</b></td> <td colspan="3">Reg. Number <b>33.800</b></td> </tr> <tr> <td>Signature</td> <td colspan="2"></td> <td>Date</td> <td><b>1/9/02</b></td> </tr> </tbody> </table>			Large Entity	Small Entity				Fee Code/Fee	Fee Code/Fee	Fee Description		Fee Due	105/\$130	205/\$65	Surcharge - late filing fee or oath			127/\$50	227/\$25	Surcharge-late provisional filing fee or cover sheet			147/\$2,520	147/\$2,520	For filing a request for reexamination			115/\$110	215/\$55	Extension for response within first month <sup>†</sup>			116/\$400	216/\$200	Extension for response within second month <sup>†</sup>			117/\$920	217/\$460	Extension for response within third month <sup>†</sup>			118/\$1,440	218/\$720	Extension for response within fourth month <sup>†</sup>			128/\$1,960	228/\$980	Extension for response within fifth month <sup>†</sup>			119/\$320	219/\$160	Notice of Appeal			141/\$1,280	241/\$640	Petition to revive unintentionally abandoned application			142/\$1,280	242/\$640	Utility Issue Fee (Or Reissue)			143/\$460	243/\$230	Design Issue Fee			122/\$130	122/\$130	Petitions to the Commissioner			126/\$180	126/\$180	Submission of Information Disclosure Statement			179/\$740	279/\$370	Request for Continued Examination (RCE)			581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)			146/\$740	246/\$370	Filing a submission after final rejection (37 CFR 1.129(a))			149/\$740	249/\$370	For each additional invention to be examined (37 CFR 1.129(b))			<b>SUBTOTAL (1)</b> <b>(\$ 740)</b>		Other fee (specify): Petition to Accept Color Drawings under 37 CFR §1.84(a)(2) <b>130.</b>			<b>SUBTOTAL (3)</b> <b>(\$ 130)</b>		Other fee (specify):			<b>SUBTOTAL (2)</b> <b>(\$1398)</b>					* Subtract the greater number of Col. 2 ** If the difference between Col. 1 and Col. 2 is less than zero, then enter "0" in Col. 3					<b>SUBMITTED BY</b>		<b>Complete (if applicable)</b>			Typed or Printed Name <b>Greg T. 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<sup>†</sup>Request for Extension of Time per 37 CFR 1.136 (a)(3) made hereby

<b>NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor	John W. Barrus et al.
	Title	System and Method for Audio Creation and Editing in a Multimedia Messaging Environment
	Atty Docket Number	20412-06488

I hereby certify that the invention disclosed in the attached application **has not been and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

1/9/02

Date



Signature

Greg T. Sueoka, 33,800

Typed or printed name/Registration Number

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

IN THE UNITED STATES

PATENT AND TRADEMARK OFFICE

APPLICANTS: John W. Barrus et al.

APPLICATION NO.: not yet known

FILING DATE: January 9, 2002

TITLE: System and Method for Audio Creation and Editing in a Multimedia Messaging Environment

EXAMINER: not yet known

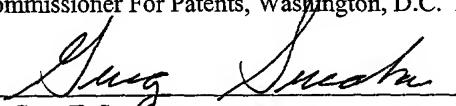
GROUP ART UNIT: not yet known

ATTY. DKT. NO.: 20412-06488

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Patent Application, Commissioner For Patents, Washington, D.C. 20231, on the date shown below:

Dated: 1/9/02

By:   
Greg T. Sueoka

BOX PATENT APPLICATION  
COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

**PETITION TO ACCEPT COLOR DRAWINGS  
UNDER 37 CFR §1.84(a)(2)**

SIR:

Applicants hereby petition the United States Patent and Trademark Office to accept color drawings (Figures 1A, 4A, 4B, 4C, 5A, 5B, 5C, 6A, 6B, 6C, 7A, 7B, 8A, 8B, 8C, 15A, 15B, 15C, 15D, 16A, 16B) in the enclosed utility application. Applicants respectfully submit that the use of color drawings is necessary to a complete understanding of the invention, because the color drawings represent computer screen shots seen by an agent using the invention, the computer screen shots actually seen by the agent are in color, and color is necessary to distinguish among the many different items that are displayed on the computer screen.

01/17/2002 EHAILE1 00000039 10043443

04 FC:122

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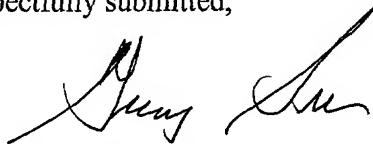
20412/06488/DOCS/1236168.1

PATENT

Enclosed herewith are:

- 1) The \$130.00 fee set forth in 37 CFR §1.17(h).
- 2) Three sets of the drawings (Figures 1A, 4A, 4B, 4C, 5A, 5B, 5C, 6A, 6B, 6C, 7A, 7B, 8A, 8B, 8C, 15A, 15B, 15C, 15D, 16A, 16B) that are in color.
- 3) A black and white photocopy that accurately depicts, to the extent possible, the subject matter shown in the color drawings.
- 4) The specification as originally filed contains the language: "The file of this patent or application contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawings will be provided by the USPTO upon request and payment of the necessary fee".

Respectfully submitted,



Greg T. Sueoka, Reg. No. 33,800  
Attorney for Applicants  
Fenwick & West LLP  
Two Palo Alto Square  
Palo Alto, CA 94306  
Tel.: (650) 858-7142

Date 1/9/02